



**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

**TUESDAY 5 MARCH 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor P McLennan
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson
Councillor M Veitch

Council Officials Present:

Mr R Jennings, Head of Housing and Environment
Mr B Stalker, Development Management Manager
Mr B Cooper, Senior Transportation Manager
Ms C Molloy, Senior Solicitor
Mr K Dingwall, Principal Planner
Ms S Greaves, Planner
Mr F Mackay, Environmental Protection Manager
Mr M Greenshields, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Mr M Omond, Senior Street Lighting Officer

Clerk:

Ms A Smith

Visitors Present:

Item 3 – Mr Forbes

Apologies:

None

Declarations of Interest:

Item 1 – Councillor Gillies stated he was a member of the Co-operative Regional Board and would leave the Chamber for this item.

1. PLANNING APPLICATION NO. 12/00896/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 11/00729/PPM – ERECTION OF A CLASS 1 RETAIL STORE, PETROL FILLING STATION, RECONFIGURATION OF EXISTING COMMERCE PARK, CAR PARK, SERVICES AND ASSOCIATED WORKS AT GATESIDE WEST, HADDINGTON

A report on the application for planning permission had been submitted. The Development Management Manager, Brian Stalker, summarised the key points of the report.

Local Member Councillor Trotter stated that planning permission in principle had already been granted. This application would end the eyesore at the west of the town. He indicated that Haddington was looking forward to the applicant taking part in the local community. He would be supporting the report recommendation.

Local Member Councillor Broun-Lindsay commented that he understood some of the objectors' concerns but felt they were not however sufficient to support. He would be supporting the recommendation in the report.

Local Member Councillor McMillan echoed the comments from his ward colleagues. This application would boost employment and economic development. He thanked officers for their briefing at the site visit, which had allayed his concerns. He would be supporting the application.

Councillor Goodfellow referred to talk about extension of the rail link into Haddington and asked how the supermarket would affect this. Mr Stalker advised that there had been no detailed consideration of this and it had not been a consideration when planning permission in principle had been granted for the proposed supermarket. It was difficult to see where there would be space for a railway station anywhere beyond the supermarket site; there was very little developable land in the area. Councillor Berry, expanding on this point, remarked that the real issue was crossing the A1; financially it was academic as anything south of the A1 would not be practicable.

The Convener brought the discussion to a close. He welcomed this application, noting it had been a year since planning permission in principle had been given. Investment into East Lothian was needed and this application would help attract other investors into the area. He would be supporting the recommendation as set out in the report and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **15 votes for** and **no votes against**; there were no abstentions. The Committee unanimously agreed that approval of matters specified in conditions for the proposed retail store development be granted subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 3 All planting, seeding or turfing comprised in the approved details of landscaping, shown on docketed drawing numbers PL(2)14 Rev C and PL(2)15 Rev C, shall be carried out in the first planting and seeding season following the retail store building opening for trade or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

The approved scheme of landscaping shall not include any spiny or thorny species such as Berberis or Pyracantha.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area, and to prevent litter from getting caught on spiny or thorny species of shrubs, again in the interests of the amenity of the area.

- 4 The trees to be planted within the customer car park shall be protected with tree guards. Prior to their use in the development, details of the tree guards shall be submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To protect the trees within the customer car park in order to enhance the appearance of the development in the interests of the amenity of the area.

- 5 Prior to the commencement of any works for the upgrading of the railway walk, full details of the means by which the street lighting cables are to be laid shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall seek to minimise their impact on the trees adjacent to the railway walk. The works for the upgrading of the footpath shall thereafter be carried out in strict accordance with the details so approved.

Reason:

To ensure that a safe and convenient pedestrian access to and from the store is provided along the entire length of the railway walk from Alderston Road to the retail store, in the interests of highway safety and to minimise the impact on the trees adjacent to the railway walk.

- 6 Prior to the commencement of any works for the upgrading of the railway walk, full details of the hard surfacing of the section of the railway walk between its proposed new access to the retail store and Gateside Road shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall ensure that the hard surfacing does not significantly increase that section of the railway walk. The works for the upgrading of the footpath shall thereafter be carried out in strict accordance with the details so approved.

Reason:

To ensure that the hard surfacing does not significantly increase the height of that section of the railway walk, in the interests of the visual amenity of the area.

- 7 Noise emanating from any proposed plant and/ or equipment shall not exceed noise rating curve NR20 at any octave band frequency when measured in any neighbouring residential building. Noise measurements shall be taken within the building with windows open at least 50mm.

Reason:

In the interests of protecting the amenity of nearby properties.

- 8 Prior to their use in the development, full details of any retaining walls shall be submitted to and approved in advance by the Planning Authority. Development of any retaining walls shall thereafter be carried out in strict accordance with the details so approved.

Reason:

To safeguard the visual amenity of the area.

- 9 Prior to the retail store and petrol filling station opening for trade, the proposed site access roads, the parking spaces for the retail store, footpaths and bus stops and lay-bys shall have been constructed on site, in accordance with that which is shown on the docketed site plan. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 10 A signal controlled pedestrian crossing shall be provided on the B6471 road in a position some 115 metres to the east of the centreline of the junction of the approved customer access road and the B6471 road and the signal controlled pedestrian crossing shall be constructed and in use prior to the retail store first opening for trade. Details of the signal controlled pedestrian crossing shall be submitted to and approved in advance by the Planning Authority and the pedestrian crossing shall be constructed in accordance with the details so approved.

Reason

To ensure that an adequate and safe standard of pedestrian crossing is provided in the interests of highway safety.

- 11 Details of the provision of cycle parking within the site shall be submitted to and approved in writing by the Planning Authority prior to the retail store opening for trade. The cycle parking shall be provided within the site at a rate of 1 space for customers and 1 space for employees per 300m² of the gross floor area of the retail store hereby approved. The approved cycle parking shall be installed on site prior to the retail store opening for trade.

Reason:

To reduce dependence on the private car in the interest of the amenity of the area.

- 12 Prior to the retail store opening for trade the bus shelters proposed to be positioned on both sides of the B6471 road shall be installed. Details of the bus shelters shall be submitted to and approved in advance by the Planning Authority, and the bus shelters shall be installed in accordance with the details so approved.

Reason:

To reduce the dependence on the use of the private car in the interests of promoting sustainable transport policy.

- 13 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 14 Prior to the commencement of development, details of the following transportation requirements, including a timetable for implementation, shall be submitted to and approved in writing in advance by the Planning Authority.

1. The provision of a visibility splay of 4.5 metres by 90 metres on each side at the junction of the new access road serving the service yard of the retail store and the westernmost units of the Commerce Park with the B6471 road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
2. The provision of a visibility splay of 2.5 metres by 70 metres on each side at the junction of the new access road serving customers of the retail store with the B6471 road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
3. The B6471 road shall be resurfaced/ repaired as shown in drawing no. 08-4698-PRGSHF-6101 Rev A;
4. The completion of Stages 2, 3 and 4 of the Road Safety Audit for the roadworks associated with the retail store development;
5. The submission of a maintenance manual or plan for the new access road serving the service yard of the retail store and the westernmost units of the Commerce Park and for the new cycle route connecting that access road and the Haddington to Longniddry railway walk. The plan shall detail (those persons) responsible for routine /general maintenance of the road and cycleway including (such) items as sweeping/litter picking/cleansing of surface water systems/road lighting and any future repairs to the fabric of the road and cycleway that may be required and the maintenance plan should also include arrangements for Winter maintenance - snow clearing/gritting etc. The Plan shall be provided to the Council in sufficient time (for Officers) to assess and agree the arrangements detailed within the plan prior to opening of the store and associated roads. The plan shall be provided in order to ensure the safety of members of the public who will access the store using these routes;

The transportation requirements detailed above shall be fully implemented in accordance with the details so approved prior to the commencement of use of any part of the development.

Reason:

In the interests of road and pedestrian safety.

Sederunt: Councillor Gillies returned to the Chamber

2. PLANNING APPLICATION NO. 12/00660/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 09/00486/OUT – ERECTION OF 126 HOUSES, 72 FLATS AND ASSOCIATED WORKS AT LAND TO THE WEST OF BRODIE ROAD, HALLHILL, DUNBAR

A report on the application for planning permission had been submitted. Mr Stalker summarised the key points of the report.

Local Member Councillor Veitch made reference to the need for new housing in Dunbar and stated this was the right development in the right place. He welcomed the style and mix of housing proposed and the open green space. He welcomed this application.

Local Member Councillor McLennan also welcomed this application; the affordable housing provision and the much needed construction jobs. He would be supporting the report recommendation.

Councillor Berry referred to the site visit and to concerns regarding the scale of the Hallhill development. He remarked that there was very little social interactive space and he was concerned about encouraging the use of cars; walking and the use of bicycles needed to be encouraged.

The Convener brought the discussion to a close. This application would provide much needed housing in Dunbar, he had however a few issues still of concern. The

only vehicular route from Hallhill to the town was via Spott Road, which was already congested; the Council had to make sure that the finance provided by the developer for improvements to Spott Road was utilised. He referred to the link to the A1 trunk road south and to the underpass close to this junction, which was a private road; suggesting the Council should look at the option of buying the underpass and making this a route, as the majority of residents would be travelling north. Finally, with regard to pedestrian access from Hallhill into the town, there was no access from the western end of the development, it was a long walk to the underpass, especially for children going to the secondary school; this had been raised previously by the community council, the Council had been in discussion with Network Rail regarding this and should pursue. He would be supporting the recommendation as set out in the report and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **16 votes for** and **no votes against**; there were no abstentions. The Committee unanimously agreed that approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 A detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail respect the layout of the development and shall promote render as the predominant finish to the walls of the houses and flats. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 Prior to the commencement of development details of the bin and cycle storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. The details shall show at least 1 cycle space per flat. Prior to the occupation of any of the flats the bin and cycle storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 4 Prior to the commencement of development details of the position and type of all boundary enclosures to be erected on the application site shall be submitted to and approved in advance

by the Planning Authority. Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the fencing in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 5 Prior to any use being made of the residential units hereby approved for plots 32-49, 67-72 and 94-95, any windows of those residential units serving noise sensitive rooms (living rooms and bedrooms) and facing towards the A1 trunk road shall be provided with 6/12/6 glazed units with acoustic trickle vents for ventilation purposes.

Reason:

In order to protect the privacy and amenity of the residential units approved for plots 32-49, 67-72 and 94-95 of the housing development.

- 6 No house and no flat shall be occupied until an acoustic barrier has been erected that runs along the entire length of the southern boundary of the application site. The details of the acoustic barrier shall be submitted to and approved by the Planning Authority prior to its erection.

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 7 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme of landscaping shall be based on the 'Hallhill Landscape Strategy', which is docketed to planning permission in principle 09/00486/OUT. It shall also show specimen tree planting within the areas of open space adjacent to the two SUDS ponds and the area of open space to the north of plots 132 and 161 of the proposed housing development. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to improve the biodiversity value of the area.

- 8 The details of the play equipment and surfacing materials to be installed in the play areas shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment and surfacing materials shall thereafter be installed in accordance with the details so approved.

The equipped play areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all play areas in the interest of the amenity of the future occupants of the residential units hereby approved.

- 9 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the transportation conditions specified below. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles

in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 10 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 11 Prior to the commencement of development, a scheme detailing levels of sustainable drainage (SUDS) surface water treatment shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 12 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) the alignments and levels of the footpath, cycle path and road connections shown on the docketed site layout plan.

(ii) vehicle accesses to private parking areas (i.e. other than driveways) being via a reinforced footway crossing and shall have adequate width to enable two way movement of vehicles at the accesses;

(iii) in accordance with the phasing plans docketed to planning permission in principle 09/00486/OUT, the new off-site pedestrian/cycle routes through the woodland of Lochend Woods to the north east of the site should be constructed, lit and available for use before the completion of Phase 2;

(iv) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes should be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(v) the access for emergency vehicles only from the unclassified road from Eweford to Belhaven that is to the west of the application site shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles only but not by any other vehicles. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

(vi) driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

(vii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(viii) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay; and

(ix) the parking for plots 62 and 63 is not hereby approved. Instead two parking spaces for the houses of plots 62 and 63 shall be provided to the rear of the footway to the west of those plots and additionally 2 visitor parking spaces shall be provided elsewhere within Phase 3 of the housing development.

The housing development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

3. PLANNING APPLICATION NO. 12/00062/PCL: RESURFACING OF EXISTING FOOTPATHS, FORMATION OF NEW FOOTPATHS, CAR PARKING AREAS, ERECTION OF FENCING, GATES, WALL, INSTALLATION OF LIGHTING AND A CHANGE OF USE FROM DOMESTIC GROUND TO PUBLIC GROUND AND PUBLIC GROUND TO DOMESTIC GROUND (PART RETROSPECTIVE) AT PENCAITLAND PARISH CHURCH, THE COTTAGE AND PRIMARY SCHOOL, PENCAITLAND

A report on the application for planning permission had been submitted. Mr Stalker outlined the current position regarding this application, referring to the non-determination by the Planning Committee on 4 September 2012, the further public consultation on 30 October 2012 and the recommendation approved by Cabinet on 12 December 2012. Consequently the development proposals the subject of planning application 12/00062/PCL had been amended by the removal of the originally proposed extension to the car park of Pencaitland Primary School and inclusion of a consequential repositioning, by some 1.0 metre further to the east, of the footpath proposed to be formed within the school grounds. Additionally, and to address matters raised by the Planning Committee on 4 September 2012, some other amendments had also been made to the proposals. These were the erection of railings rather than a timber post and horizontally railed fence along the side of a length of footpath beside the A6093 public road and the installation of a fixed barrier rather than a gate at the existing pedestrian stepped access to the north of the Church Offertory House. One further amendment was a change to the style of two street lighting columns.

Mr Stalker informed Members that it was now recommended that with these amendments the proposed scheme of development should be granted planning permission subject to the conditions listed at the end of the original report but with the following changes to some of those conditions to account for the amendments made to the proposed development:

- i. Condition 4 - replacement of the words timber gate with fixed timber barrier.*
- ii. Condition 5 - the stated number of street lighting columns being 9 and not 8.*
- iii. Condition 6 - the stated docketed drawing no. being 001/Rev I and not 001/Rev F.*
- iv. Condition 9 - the stated docketed drawing no. being 001/Rev I and not 001/Rev F.*

Mr Forbes of The Glebe spoke against the application. He noted that this application had been continued for public consultation but stated this had not happened; the community got a presentation with this proposal. He said that no-one, apart from the church and the roads department, wanted this. The new path would not be continuously available, the gate would be closed outwith school hours; he questioned, when open, how many people would use this path. He also questioned what the community was getting for the cost; not a safe footpath solution but refurbishment of the church grounds, which would be of great benefit to the church but little benefit to the local community. He stated that this proposal did not fix the problem and did not represent good value for money.

Local Member Councillor Grant indicated that he would be supporting this scheme; it would benefit the wider community and was a safe route to school. He was disappointed at the result of the consultation; he would have thought that the

extension to the car park would have benefited the community. The objector was right however in that it was unknown how many people would use this path.

Local Member Councillor Gillies commented that he felt justified in calling this application off the Scheme of Delegation List previously due to the concerns locally. He still thought there were flaws in relation to the car park, however all issues he had been concerned with had been addressed. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He stated that changes had been made to the proposals and comments from the local community had been taken into account. A safe route to school was needed; this proposal provided an alternative route. He would be supporting the recommendation to grant planning permission as set out in the report, with the amendments as outlined and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted, with the amendments as outlined, was put to the vote and received **16 votes for** and **no votes against**; there were no abstentions. The Committee unanimously agreed to grant planning permission subject to the following conditions:

- 1 The natural stone of the external face of the retaining wall hereby approved to be erected along part of the east side of the car parking area to be formed to the east side of the former Manse stable building and to the south of the eastern part of the churchyard shall match as closely as possible the natural stone of the walls of the churchyard in its colouring, coursing and pointing.

The pointing of the stone retaining wall shall be carried out with lime mortar and shall match as closely as possible in colour and form of the pointing of the existing churchyard walls.

Reason:

In the interests of the character and appearance of the Conservation Area and of the setting of the listed buildings of Pencaitland Parish Church, The Manse and The Manse former stable court building.

- 2 Samples of the tegula block paving, including their colour, to be used to surface the car parking area hereby approved to be formed to the south of the eastern part of the churchyard and the footpath that is approved to extend across the vehicular access to that car parking area shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development. Thereafter the tegula block paving used shall accord with the samples so approved.

Reason:

In the interests of the character and appearance of the Conservation Area and of the setting of the listed buildings of Pencaitland Parish Church, The Manse and The Manse former stable court building.

- 3 The three pairs of metal gates and their gate posts hereby approved as shown on docketed drawing nos. 005, 006 and 007 shall be painted gloss black unless otherwise approved by the Planning Authority.

Reason:

In the interests of the character and appearance of the Conservation Area and of the setting of the listed buildings of Pencaitland Parish Church, and The Manse former stable court building.

- 4 Details of the paint, stain or timber preservative to be used to finish the external face of the fixed timber barrier hereby approved as shown on docketed drawing no. 008 shall be submitted to and approved by the Planning Authority prior to its use in the development, and thereafter the paint, stain or timber preservative used shall accord with the details approved.

Reason:

In the interests of the character and appearance of the Conservation Area and of the setting of the listed buildings of Pencaitland Parish Church and The Manse former stable court building.

- 5 The 9 street lighting columns with heritage style lantern fittings hereby approved to be sited within the churchyard of Pencaitland Parish Church and on the land to the west of the churchyard shall be painted black unless otherwise approved by the Planning Authority.

Reason:

In the interests of the character and appearance of the Conservation Area and of the setting of the listed building of Pencaitland Parish Church.

- 6 In the first planting and seeding season (October - March) following the footpath to the west of the churchyard being brought into use or the completion of works for this part of the development, whichever is the sooner, eight replacement trees shall have been planted on the area of land to the west of the churchyard, all in accordance with the positions and details shown for them on docketed drawing no. 001/Rev I.

All of the replacement trees shall be planted as standard size 8-12cm girth, 2.75-3 metres high and shall be protected by a single stake and weldmesh guard as per the docketed drawing titled 'GR8 Tree pit system installation' unless otherwise approved by the Planning Authority.

In the event that any such replacement tree(s) die, are removed, or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the implementation of landscaping in the interests of the character, appearance and amenity of the area and of the Conservation Area.

- 7 No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the development.

- 8 A qualified and experienced arboriculturist shall be employed to carry out an arboricultural watching brief during the construction works.

Reason:

To ensure the retention of and the health of trees within the application site, which are important to the landscape character and amenity of the area and of the Conservation Area.

- 9 All excavation for the section of footpath extending from the east side of the existing vehicular access in an easterly direction for some 15 metres into the school grounds, which is within the root protection area of the beech tree (T54) shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

This length of footpath shall be constructed with timber edge boards and timber peg supports in accordance with the detail shown for it on docketed drawing no. 001/Rev I.

Reason:

To ensure the retention of and the health of trees within the application site, which are important to the landscape character and amenity of the area and of the Conservation Area.

- 10 The only construction access to the application site shall be taken along the line of the existing driveway to the manse and of the existing access to the east side of the churchyard.

Reason:

To ensure the retention of and the health of trees within the application site, which are important to the landscape character and amenity of the area and of the Conservation Area.

- 11 No development shall take place on site until temporary protective fencing comprising standard scaffold poles as uprights driven into the ground avoiding tree roots, with 3 standard scaffold poles as horizontal rails (top, middle and bottom), all with weld mesh wired to uprights and rails. This temporary protective fencing should be 2.3 metres in height, erected prior to works commencing and kept in good condition throughout the works, all in accordance with Figure 2 of British Standard 5837: 2005 'Trees in Relation to Construction'.

The temporary protective fencing shall protect the lime tree, sycamore tree (T53) and the beech tree (T54) and shall be positioned as follows:

- i. For a length of some 20 metres along the western edge of the vehicular access road leading to the proposed car parking area that is to be formed to the south of the eastern part of the churchyard, and returning in a westerly direction at each end of the grass verge on the western side of the access road to tie into the east boundary wall of the churchyard; and
- ii. Along the southern edge of the footpath hereby approved to extend from the existing school car park to the east side of the vehicular access and then turning in a southwest direction along the northern edge of the embankment on which the beech tree is positioned and then following the eastern edge of the car parking area hereby approved and then turning in an easterly direction to tie into the existing west boundary fencing of the school.

A drawing showing the positioning of the temporary protective fencing shall be submitted to and approved in advance in writing by the Planning Authority.

All weather notices should be erected on said temporary protective fencing with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Once erected the temporary protective fencing shall be retained in place until works on the application site have been completed and all plant and machinery associated with those works have been removed from the site.

Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.

Care should be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jib and counterweights can operate without coming into contact with any retained trees.

Any materials whose accidental spillage would cause damage to a tree should be stored and handled well away from the outer edge of a trees root protection area.

Fires should not be lit in a position where their flames can extend to within 5 metres of tree foliage, branches or trunk, and due cognisance must be taken of wind speed and direction prior to and during operations.

Details of any trenches or services in the fenced off areas shall be submitted to and approved in advance in writing by the Planning Authority, and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:
In order to ensure protection of the trees within the application site in the interests of safeguarding the landscape character of the area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee